

REMARKS/ARGUMENTS

The Official Action and the cited references have been reviewed. The review indicates that the claims, particularly as amended, recite patentable subject matter and should be allowed. Reconsideration and allowance are therefore respectfully requested.

In advance of addressing the grounds upon which the rejections are based, a brief summarization of the method for and apparatus of efficient selection and acquisition of a wireless communications system will be described for purposes of easier grasp of the invention, and to allow a clearer line of distinction between the invention method and apparatus, compared to that in the cited and applied references of Mazzara, Bamburak et al. and Huilgol.

The invention pertains to a method and apparatus for efficiently selecting and acquiring a wireless communications system, (as opposed to the prior art where each failed attempt can take up to 20 seconds and may be caused by a variety of factors, i.e., inability to detect a pilot signal or a blocked or weakened signal due to physical obstructions). In the invention system, a mobile station is adapted to avoid unusable wireless communications systems during the process of system acquisition – wherein the mobile station includes processing circuitry and a memory storing a preferred roaming list and system avoidance data. The system avoidance data identifies unusable systems and includes corresponding avoidance criterion, so that the processing circuitry selects a system from the preferred roaming list based upon a predetermined system acquisition procedure, wherein the selection system is skipped if corresponding avoidance criterion (equal to a current time plus an avoidance duration time) is satisfied. If the selected system is useable, the mobile station acquires and registers with the selected system. Further, the

processing circuitry is adapted to add systems to the system avoidance data responsive to a communications failure, and remove systems from the system avoidance data when corresponding avoidance criterion is no longer satisfied.

Claims 1-24 were rejected over Mazzara in view of Bamburak et al. and Huilgol as being obvious under 35 USC 103(a).

Applicants respectfully traverse this rejection and request reconsideration for reasons hereafter advanced. Mazzara's objective is to provide a method for establishing a wireless service connection for a mobile vehicle to a cellular network, using preferred carriers and procedures depending on the geographical region in which the mobile vehicle is located, and overcoming the deficiencies and obstacles thereto by prioritizing a portion of a system access list based on a channel identifier in a first band; selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion, wherein the connection notification comprises a rejection of a call origination and comprises a rejection of an attempt to register with a carrier.

Mazzara's method fails to include corresponding avoidance wireless criterion for not using the wireless communications system, and this is not compensated for by any teachings in the secondary references of Bamburak et al. or Huilgol.

As related in applicants' specification in paragraph [0010] the avoidance criterion includes an avoidance time that is equal to a current time plus an avoidance duration time. The avoidance duration time is found in a look-up table that includes an entry for each of a plurality of communications failures and corresponding avoidance durations.

Clearly, Mazzara evidences no appreciation for or acknowledgement of, applicants' essential component of a necessary and indispensable avoidance criterion to prevent any failed registrations/acquisition attempts that are common and time consuming that may take up to 20

seconds due to a variety of factors (such as the mobile device being unable to detect a pilot signal transmitted from a system base station if the pilot signal is blocked or weakened by physical obstructions) as related in [0005] of applicants' specification.

This deficiency of Mazzara is not taught or disclosed in any teachings of Bamburak et al., as Bamburak et al. only disclose a method for categorization of multiple providers in a wireless communications service environment in which, after power-up, a mobile communications device (cellular telephone) checks the most recently used control channel to determine whether an optimal service provider is available on that channel, and if an optimal service provider is not available or if that channel is not available, the mobile device performs a search through frequency spectrum in a predetermined order until an optimal or acceptable service provider is located,(as is illustrated in FIG. 4 by the flowchart illustrating a spectrum searching routine). Accordingly, Bamburak et al. makes no reference to or acknowledgement of, a method for efficiently selecting and acquiring a preferred wireless communications system to avoid situations where failed registration/acquisition attempts are common and time consuming to the extent that each failed attempt may take up to 20 seconds and may be caused by the cellular phone being unable to detect a pilot signal transmitted from a system base station if the pilot signal was blocked or weakened by physical obstructions – let alone provide any solution thereto.

The combination of Mazzara and Bamburak et al. are not tenable – as the combination would not arrive at the method and apparatus recited in Applicants claims. Neither would the combination in Applicant's claims be rendered obvious under the established guidelines of 35 USC §103(a).

A review of the Huilgol shows that its objective pertains to a manner by which to place an emergency call utilizing a radio communication system, and does this by:

determining whether a prior attempt to complete the emergency call was successful through utilization of the preferred list of channels;

selecting, responsive to determination during the operation of determining, of non-success of the prior attempt to complete the emergency call through utilization of the preferred list of channels, at least one additional channel to be utilized by the mobile station to attempt the completion of the emergency call, the at least one additional channel selected from the first set and the second set and which is not contained in the preferred list of channels; and

attempting, responsive to selection made during the operation of selecting, initiation of placement of the emergency call, and attempting, subsequent to a user-caused, call-attempt termination, to acquire a most-recently utilized communication system of the first and at least second radio communication systems.

Clearly, in Huilgol, there is no reference to or mention of, use of avoidance criterion to prevent any failed registrations/acquisition attempts that are common and time consuming that may take to up to 20 seconds due to a variety of factors, to be alleviated- let alone, utilizing avoidance criterion that is equal to current time plus an avoidance duration time.

Accordingly, even if the disclosure in Huilgal were combined with the combination of Mazzara in view of Bamburak et al., applicant's invention as presently recited would not result. Neither would the combination render applicant's invention obvious under the provisions of 35 USC §103(a).

Conclusion

In view of the forgoing amendments, remarks and arguments, it is believed that the application is now in condition for allowance, and early notification of the same is earnestly solicited.

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